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Crl.O.P.No.9470 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 427, 504 and 506(2) of IPC, in Crime No. 249 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Gopinath is that on 14.04.2023. the Makkal Daesam Katchi had felicitated the birthday function for late B.R.Ambedkar, for which, they supplied free books for poor and needy people at Thirumalisai and Velavedu. The further allegation is that, at that time, the petitioners along with others interfered in the said function and created problems by using unparliamentary words and destructed the banners and posters and also threatened the defacto complainant with dire consequences. Hence, the complaint.



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3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and due to political reason, they has been falsely implicated in this case and the have not committed any such offence as alleged by the prosecution. He further submit that the petitioners have no previous case pending against them. He further submit that the petitioners are ready to abide any condition that may be imposed by this Court and hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that due to political reason, the petitioners along with other members interfered in the birthday function of late Dr.B.R.Ambedkar, for which, the defacto complainant supplied free books to the poor at that, they created problems by using unparliamentary words and destructed the banners and posters and also threatened the defacto complainant with dire consequences. He further submit that the petitioners have no previous cases pending against them. However, he vehemently opposed to grant anticipatory bail to the petitioners.



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5. Heard the learned counsel for the petitioners and learned Government Advocate (Crl. Side) and perused the materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioners have no previous case pending against them, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate Court No.II, Poonamallee**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of four weeks and thereafter on every Saturday at 10.30 a.m, until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

27.04.2023

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